

000134

be more than ten..some wld. be P-T...jobs have to equate to number of patients or beds they will have...wld. come out to more jobs...Trustee Pope sd. that "somewhere along the way, residence wld. create ten more jobs.." Mayor Elliott, then, moved that the VB approve the Minutes frm. 10/23/90 mtg. Trustee Pope seconded. Voting "aye" were Mayor Elliott & Trustees Pope, Gilmore & Lynch. Trustee Wooden abstained. Carried by majority.

Minutes
10/30/90:

The 10/30/90 Spec. Mtg. established by the VB on 10/15/90_ did not have a quorum, therefore, no mtg. was held.

Machine
Removal:

The VB discussed briefly an old 'Pepsi' machine which stands in the alleyway, Main St. north - VOP has an easement re sd. alleyway, per Mayor....obtained during beautification project several yrs. ago. VB agreed to req. Hwy. Dept. to pick up & leave @ barns until it cld. be disposed of.

C&P:

Trustee Lynch sd. that he wld. be mtg. wth. C&P Supt. during coming week re Christmas decorations. Asked for input frm. Trustee Wooden. Letter rec'd, he sd., frm. NYSEG re number of Christmas lights VOP to utilize & insurance certificate.

Signs:

Mr. R. Lape sd. that signs placed on E. Foster St. Ext. knocked down by truck; dumping occurring there also as well as car stopping and firing shots frm. shotguns into Cemetery recently...unable to obtain license plate no., he sd. VB advised him to call P.D.

Highway:

Trustee Gilmore sd. sme. prices rec'd re completing few more sidewlks. before Winter...several complaints one of which was Wash. St. (SE side); corner Spring... bad area...between Cuyler/Cananad. (S side @ dentist's residence) extremely bad due to tree roots. Also E. Drake's/Vienna St. & a residence on Stafford St.

Hwy. began leaf pick-up according to Mr. Gilmore.

Drainage
Ditch:

Trustee Gilmore reported that he had mde. contact wth. M/M Wm. Clark, Johnson Rd., re the drainage ditch on E. Foster as they had declined to allow VOP to dig ditch across their property (wld. not sign easement)...Wiseman's have concerns as does Mrs. M. McGuire...concerns for a long-term contract that wld. tie up their property and the creek that flows which VOP ditch wld. flow into - they had dug out yrs. ago - looks as if Town will have to take some responsibility/VOP needs their support. Mr. Lape spke. of length of time the problem has taken... why shld. the Lape's pay taxes on land they can't use.. Mr. Gilmore sympathetic, he sd. and sd. if he were Mr. Lape wld. contact his atty. to see why the ditch was closed...in the Town..nothing the VOP did...Mayor sd. Town's laws different frm. VOP's...more complicated...VOP not required to form "drainage districts..." Town does. Mr. R. VanHout sd. he & Mr. Lape had been to Town...Mr. Lape sd. digging not allowed if changing natural flow of water...talk of suing & court wld. take a long time...Mr. Gilmore sd. he cld. understand positions of M/M Clark...Mayor sd. old friends - wld. visit/talk to them. Situation unresolved - discussion discontinued.

VOP Dept.

adding proposed text...adding fee - taking out restrictions that already say business is o.k. - amended, per Mayor....Mayor re-capped that if someone wanted an in-home business, apply for Special Permit frm. CEO; he wld. submit to Plng./Zng. who wld. approve/disapprove - if disapproved, spend \$25. for hearing; if approved, \$100. for permit (in addition to \$25. for hearing); in two (2) yrs., spend another \$100. for permit. Mr. Wooden emphasized that "customary" occupation being removed - that segregates from anyone else. Mr. Pope cited R. VanHout's small glass business and asked how big cld. his operation get before someone complains that it is no longer a "home" occupation - commercial...Mr. Wooden sd. that if it did not detract frm. neighborhood shld. not be a problem...many things cld. detract... if lots of storage surrounding property....noise of cutting glass late @ night...can happen. Mr. Lape kept referring to Mr. VanHout being turned down @ sme. point in time....Mayor sd. "no guarantees"...Dr. Braell's home/office situation mentioned by Mrs. B. Anthony...Mrs. E. Hartnagel asked if, after 20 yrs. of doing cakes in her home, wld. she have to file & pay \$25. for a hearing...not as it stands, per D. Wooden.

Mayor read definition of "customary home occupations". He then declared hearing closed @ 7:50 p.m. and moved referring proposed law back to the Plng. Bd. wth. comments frm. hearing concerning CEO's concerns (definitions and 'grandfather's clause') and those of residents about the fee. J. Roney sd. he felt that the VB shld. ask Plng. Bd./ZBA to come up wth. definition what constitutes providing income to the owner (citing E. Hartnagel's statement...if you make just 50 cakes a year, not providing income) VOP shld. have better definition re 'providing income'). Mayor asked that Mr. Roney's comments be added to his motion. Trustee Pope seconded referring "back to Committee" (Plng. Bd.). Voting "aye" were Mayor Elliott & Trustees Pope, Wooden, Lynch & Gilmore (a reluctant "aye" he sd.). Carried.

Minutes
8/28/90:

The length of the workshop minutes was discussed (Spec. Mtg. among the VB & dept. hds. re sidewalks, streets, etc.); it was suggested that an outline be made - Trustee Wooden felt Minutes shld be accepted as written - Mayor Elliott so moved and Trustee Wooden seconded. Voting "aye" were Mayor Elliott & Trustees Wooden, Gilmore & Lynch; Trustee Pope abstained due to his absence frm. sd. mtg. Carried by majority.

Min.10/1
& 10/15/90:

Trustee Wooden moved acceptance of the VB Minutes of 10/1/90 & 10/15/90; Mayor Elliott seconded. Voting was unanimous/carried.

ARC Site:

The WC Association for Retarded Children's community residence site selection - 416 E. Main St. - for which an "Informational Meeting" was held @ the Fire-hall on 10/23/90 - was discussed briefly by the VB. Trustee Lynch questioned a portion of the Minutes, Pg. 2, 2nd Paragraph re his having asked if the residence wld. create jobs....she may have said ten jobs but not sure new jobs...will be people who wk. in other residences who live in Palmyra...Mayor sd. Ms. Lamme' sd. "an equivalent of 10.5". Mr. Lynch sd. he was asking for clarification. Mayor sd. may

000132

vehicle for people to become honest that otherwise might be questionable...Mr. P. Wilson sd. that Code prepared 30-40 yrs. ago - needs some changes. Mr. Gilmore cited his wife who might be setting up a modem in their home....discussion of whether or not it wld. be 'conducting a business'....Trustee Wooden sd. that wld. be termed 'bringing work home'....not purpose of change....'specific use that provides income' sd. the Mayor. Mr. Lape asked about Avon reps. & garage sales - only a 'continuous one,' per Mr. Wooden.....if to have a business/pursue business to make a living...\$100. every two (2) yrs. wld. allow advertising in yellow pages, etc. Trustee Pope insisted that present Code does not prevent this....Mrs. B. Anthony brt. up baby sitting....10, 12 or 15 kids....unreported...already covered in Code, per Mayor....Mayor Elliott asked CEO Roney for his comments - he sd. he had reservations about ability of any CEO to enforce a Code wth such a broad-based definition of what a home-based business is....lot of variations which will be easily spotted - others will not be....recommending sending bk. to Committee to re-define what a home-based business is...make it more enforceable...already have lot of ordinances which are difficult to really enforce..

Mr. R. Smith asked about businesses allowed & was given sme. by Mayor...Mr. Smith sd. it seemed that wth. no employees, no cars coming in...saw no reason Special Permit needed...or \$100. - pay enough now in taxes, he sd. - just another way to generate revenue. His insurance business does not generate traffic as he wks. alone...he spke. of attorneys who work out of their homes...spke. of person running antique place out of garage...all trying to make money...the change wld. take money away....sd. getting into 'spot' zng. Getting away frm. it, per Mr. Wooden. R. Smith defined 'spot zng.' - Trustee Wooden sd. if lot of traffic generated, wld. not get a Spec. Per. Mr. Smith asked how it wld. be controlled and told by Mr. Wooden "the neighbors"....if traffic disrupts neighborhood..wld. tell CEO. Mr. Smith spke. of 'enforcement." Mr. Wooden sd. his business not an "in-home" business; an "in-barn" business....this law wld. allow him to do that...illegal now...Mr. Smith sd. he wasn't...had bldg. permit...not running a business...entirely different frm. downtown businesses...same wth. lady who bakes cakes...Trustee Gilmore sd. intent was not to harass anyone...to give individual who has small home business to comply wth. law....and let VOP know what is going on...Mrs. Hartnagel sd. fee too high her only complaint....

Mayor sd. he'd like input from Vill. Atty. Nesbitt re clarification between "in-home office" and "in-home business"....Mr. Smith's main office in Roch. - Trustee Gilmore sd. a fact that attorneys/real estate salespeople have clients drop by hse. - Trustee Wooden sd. difference if real estate person just making calls out of home than established as real estate business...if doing upholstery out of garage, still running a business if no one shows up or not....R. Smith spke. of furniture re-finishing...no one comes to hse. - is it a business or a hobby...there are quite a few, per Mr. Wooden....Mr. Smith sd. if signs allowed - variations - to which Mr. Wooden sd. that the sign ordinance wld. not change - once permit given, sign may be put out (same as doctor's/lawyer's)...taking old section out and

Min., 11/5/90--2

aren't - Trustee Wooden sd. they shld. obtain a Special Permit. The gentleman on W. Main (re outdoor furniture) rec'd ltr. frm. CEO/quit...it was pointed out that, in fact, he had not and Mr. Lynch asked why was he not mde. to quit. One of reasons for proposed law, per Mr. Wooden...Plng. Bd. sd. it's ridiculous for VOP to think people won't....VOP to say cld. be done, but follow proposed guidelines...as long as guidelines followed, no problems. Those who pay the \$100. fee wld. rpt. on those who don't Mr. Wooden sd. ...Mayor sd. \$100. every two (2)yrs. not huge amt. of money but singling out one grp. - if operating a business elsewhere where it is allowed, or under a variance, do not have to pay VOP...but wth. Special Permit, have to pay. Mr. R. Leisten sd. that some ministers wld. fall into subject category. Mr. Wooden gave insurance as an example...Mr. Pope gave example of his work...takes hme. and works wth. computer - no clients ever go to his home...asked if his work wld. be described as a 'home-based business' - Mr. Wooden sd. Zng. Bd. wld.

Mr. Lape spke. of Mr. R. VanHout who wanted to put a business across street/refused - fair enough to rpt. it...Mr. VH's one reason proposed law came about, per Mr. Wooden...tried to re-write something that wld. allow him to operate...Mr. Lape asked about beauticians....won't be limited, per D. Wooden...beautician limited as to amt. of chairs allowable...mainly for traffic pattern..wth. five (5) wld. be busy...wth. one (1), no problem...law wld. not 'catch' everyone, per Mr. Wooden...business owners buy bldg., fix them, pay \$400./\$500. rent...wld. \$100. every two (2) yrs. be out of line???? Trustee Pope sd. that if he cld. afford, wld. rent an office. E. Hartnagel sd. if making \$40,000./\$50,000. per yr. o.k. but wth. small business - as wth. her cake baking/decorating..maybe one (1)a week...then two (2)...it varies...why pay \$100. to provide twenty (20) cakes??? Operating illegally, per Mr. Wooden. E. Hartnagel sd. "no" - rec'd permission twenty (20) yrs. prior (Zng. Officer B. Wideman) - as long as a sign was not put in front of her hse. Trustee Wooden sd. Zng. Officer had no right to tell her that - ZBA does. CEO J. Roney spke. of 'grandfather clause.'

Trustee Lynch sd. if neighbor has in-home business...no other cars come...don't see, hear or smell anything.. why wld. he care??? Not fair, per D. Dalton, if hidden...didn't pay \$100. - as long as pay \$100. can do any kind of business as long as legal..conform to stipulated rules, per Mr. Wooden..E. Hartnagel sd. for what she does @ home, not worth it for \$100. fee - she wldn't mind \$5. fee, she sd. Sd. she wld. leave a can by back door "donation"...fine wld. be \$50. per day for ea. violation, per Mr. Wooden. Ever happened asked by D. Dalton??? Have been fined, per Mr. Wooden - someone mentioned garage sales...Peter Wilson, ZBA member, sd. lots of in-home businesses in sector (computers, etc.) which people are into nowadays...not an avenue involving great deal of expense in home....VOP has no vehicle for those who want to operate out of homes...law-abiding citizens..forcing people (to be criminals, per Mr. Lape)..vehicle which attempted to help make people more comfortable - base from which to operate...not perfect...encouraged the Bd. to get something in motion....work wth. - very limited now/very frustrating. Trustee Gilmore reiterated...a

Present:

000130

James G. Elliott, Mayor; Trustees C. D. Gilmore, Daniel E. Wooden, Daniel S. Pope III & Thomas N. Lynch; Vill. Atty., John B. Nesbitt arrived during Exec. Sess.

Call to Order:

Mayor Elliott called the meeting to order @ 7:00 p.m., following which he called for a moment of silence in memory of Hwy. Supt., Phil Retan's Mother who passed away in Fla. on 10/17/90.

Pub.Hrng.LL#3, '90:

Mayor Elliott requested the Clerk to read the Legal Notice re Local Law #3, 1990 (amending Sect. 29-9 to delete "Customary Home Occupation or Profession," and add "Home-Based Occupation") and opened the public hearing for discussion.

Mayor Elliott relegated explanation of the proposed Code change(s) to Trustee-in-Charge D. Wooden. He sd. the reason for the change frm. the Plng. Bd. was to take the section of the Code, now "Home Occupations," to "Home-Based Business" - presently certain occupations are listed - eliminate sme. - anyone who has a home occupation may operate in their homes provided their business doesn't detract frm. neighborhood (bother neighbors, cause traffic problems, etc.). Purpose to eliminate restrictions that exist now - reported in newspaper that proposed law wld. make more difficult to get permit - not the case, he sd. - wld. be easier....don't necessarily have to be a doctor, lawyer or architect to conduct own business. This was purpose of Plng. Bd.

Mr. R. Leisten asked if adopting some other section of law to be representative of this - to which Trustee Wooden sd. 'moving' section which exists under 'special permits and residential businesses'...removing/ replacing wth. proposed law (LL#3, 1990). Trustee Lynch asked that whomever operating a home-based business - or starting one - wld. have to pay \$100. every two (2) yrs. Trustee Wooden sd. 'yes.' Trustee Wooden thought it shld. be more...Trustee Lynch sd. if charged \$100. wld. have people who wld. not rpt....\$100. too much.... people, for instance, who have home computers can stay/work @ home 40-50 hrs. p.w. & never leave hse. Will happen, per Mr. Wooden - happening now. If applic. \$5. might rpt. it - if \$100. might not....'chance we're taking....if operating a business, not in compliance wth. the law.' Trustee Pope asked his description of a 'home-based business' - Mr. Pope sd. he works @ home. Mr. Wooden sd. if providing income, home-based business. Mr. Pope sd. every insurance agent, every real estate agent...wld. be in violation...many operate out of home....wld. never get anyone to report it, he sd.

Trustee Gilmore asked if people conducting home-based businesses....several cars come there in course of doing business, approaching 'gray' area of zng. law...not as long as operating under a permit or variance, per the Mayor. Mayor Elliott sd. his biggest problem wth. fee - understand rationale behind fee - wld. be to fund cost of enforcement...D. Dalton sd. for those who pay the fee, the \$100. wld. be spent on enforcing against someone who didn't pay in first place....fines for those people, per Trustee Wooden. Mr. R. Lape sd. many people 'illegal' now... Mr. Pope agreed. Why illegal asked Trustee Lynch - people aren't complying wth. zng. law? Some are/some

bldgs. for any neighborhood...well maintained, etc. Mr. E. Vanderwall (looking @ architect's sketch, attached hereto) asked if 'length-wise' on lot/top picture, per Ms. Lamme'.

000129

Ms. Lamme' asked about community representation for the operation of the residence....ARC wld. welcome "Community Advisory Board." Mr. G. Campbell sd. that ARC has 12 members frm. VOP - most reside in the Town....ARC has 600 members in WC...began wth. 8 people 30 yrs. ago. "ARC is dedicated to serving the people in WC ...this hse. is a part of it." Mr. E. Vanderwall asked if 'other' home in Palmyra a 'State' home....Ms. Lamme' sd. "NYS through Newark State Schl.," however, ARC operates under same regulations...funding is different...funded through a 'rate system' by NYS....based on how much staff pd., food costs...less expensive than State, she sd. Trustee Pope asked if on a 'contract' basis wth. State & told by Ms. Lamme', "yes."

Mrs. S. Smith asked difference in Cuyler St. residence and one proposed...Ms. Lamme' spke. of need for residents' 'physical' assistance in sme. cases & stated her fondness for Main St. and wld. be happy to get a Main St. location - spke. of need to socialize, etc. - close to downtown. Mr. G. Campbell invited those present to visit any ARC home @ any time - with or without invitation...wld. like to share wth. everyone. Mr. E. Vanderwall asked if VB agreed--discouraged before. Mayor sd. more +'s than -'s and related only grounds on which denial by VOP...overpopulation (too high a %)...if denied, VOP must provide them two alternate sites. Mr. E. Vanderwall sd. that townhouses proposed on site once upon a time - did not follow through...Mayor sd. in proposal, too close to Vanderwalls' property line along wth. other restriction(s) - VOP has no zng. for townhses. or condominium...ARC's considered one-family for legal purposes, although 12 residents to live there....wld. have to comply wth. % of lot coverage....if over, wld. have to apply for variance....have to comply wth. State Bldg. Codes....VOP's covers setbks. & coverages only. Discussion on width of lot (dimensions were not immediately available, however, Mayor sd. he wld. respond to Mr. K. Vanderwall). Ms. Lamme' sd. new driveway wld. be put in after discussion of 'shared' driveway (in conjunction wth. Mr. S. Jacobs). Mr. K. Vanderwall spke. of limiting main access - creating another one.

Ms. Lamme' sd. proposed residence wld. contain 4500-5000 sq.ft. including carport....in addition to bedrms., residence wld. contain one kitchen, dining rm.; two living rms.; laundry rm. & three-and-one-half baths. When asked projected date for construction/completion, Ms. Lamme' sd. build in Spring - Summer occupancy. NYS wld. finance the bldg. - ARC wld. pay them bk.

Discussion/question-and-answer period discontinued @ 7:50 p.m. (VB had previously scheduled voting upon this issue during 11/5/90 VB mtg., therefore, Clerk to place on Agenda).

Ethel B. Johnson, Clerk

ARC.10/23/90.

BOARD OF TRUSTEES

Spec. Mtg.

10/30/90

10:00 a.m.

Please refer to Page 3, 10/15/90 minutes, wherein VB established date of 10/30/90 (10:00 a.m. - 12:00 Noon) for mtg. among VB and/or dept. hds. employees re projections for street & sidewalk repairs/replacement, etc. (a follow-up to a mtg. held on 8/28/90 for which Minutes included partial dialogue of those present).

A quorum was not present, therefore, no mtg. was conducted on 10/30/90 (only Mayor J. Elliott & Trustee T. Lynch appeared, however, notification rec'd frm. Trustee D. Gilmore that he cld. not attend; calls rec'd frm. Trustees D. Wooden & D. Pope to see if mtg. to proceed as planned).

Ethel B. Johnson, Clerk